

REMARKS

In the Office Action mailed October 3, 2007, the Examiner took the following action: (1) objected to the drawings; (2) objected to the specification; (3) rejected claims 1-43 under 35 U.S.C. §112 as being indefinite; (4) rejected claims 1-14, 21-33, and 37-40 under 35 U.S.C. §102(b) as being anticipated by Puram (U.S. 6289340); and (5) rejected claims 15-20, 34-36, and 41-43 under 35 U.S.C. §103(a) as being unpatentable over Puram in view of Herz (U.S. 6029195). Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Objections to the Drawings

The Examiner objected to the drawings due to handwritten notations. The Examiner further objected to the drawings due to Applicants' use of the term "inline interview." Applicants submit concurrently herewith revised formal drawings to correct the handwritten notations noted by the Examiner. Regarding Applicants' use of the term "inline interview," Applicants respectfully request withdrawal of this objection for the reasons set forth below. No new matter has been added.

II. Objection to the Specification

The Examiner objected to the specification due to Applicants' use of the term "inline interview." Applicants respectfully request withdrawal of this objection for the reasons set forth below.

Applicants respectfully submit that the term "inline interview" as used throughout the specification is a term coined by Applicants which refers to an interview that is conducted as part of the application process itself, rather than an interview that occurs after the application process. It is respectfully noted that an applicant is entitled to be his or her own lexicographer. MPEP

2111.01. Furthermore, the meaning of a particular term “may be defined by implication, that is, according to the usage of the term in context in the specification.” MPEP 2111.01(III); *citing Phillips v. AWH Corp.*, 75 USPQ2d 1321 (Fed. Cir. 2005); *Vitronics Corp. v. Conceptronic Inc.*, 39 USPQ2d 1573 (Fed. Cir. 1996).

In this case, Applicants’ use of the term “inline interview” in the context of the specification provides ample support for the above-noted definition, namely, an interview that is conducted as part of the application process itself, rather than an interview that occurs after the application process. For example, at least the following portions of Applicants’ detailed description support the above-noted definition of the term “inline interview” (paragraph numbers refer to the published application): paragraphs 4, 13, 15, 17-19, 21-22, 26-29, and 35. In particular, paragraph 22 of the published application supports Applicants’ definition of the term “inline interview.” In describing the job application process 140 shown in Figure 3, paragraph 22 states: “As further shown in FIG. 3, in this embodiment, the activity of the job seeker taking the inline interview and applying for the job (block 144 of FIG. 1) includes the job seeker ranking one or more job characteristics of the particular job at block 152. ... Then, the job seeker may finish the inline interview by uploading their resume (or updating their resume if previously provided) at a block 158.” Thus, the specification implicitly provides ample support for the term “inline interview” as an interview that is conducted as part of the application process itself, rather than an interview that occurs after the application process.

To further clarify this point, Applicants have amended the specification at paragraph 15 to expressly provide the above-noted definition of the term “inline interview.” Applicants have also corrected a minor informality noted by Applicants in paragraph 15. Applicants respectfully submit that no new matter has been added, and accordingly, request reconsideration and withdrawal of this objection.

III. Rejections Under §112

The Examiner rejected claims 1-43 under 35 U.S.C. §112 as being indefinite. Specifically, the Examiner rejected claims 1-43 due to the use of the term “inline interview,” which the Examiner believed to be indefinite. In view of the foregoing remarks and amendment to the specification, Applicants respectfully request reconsideration and withdrawal of these rejections.

In addition, the Examiner rejected claims 4 and 24 as failing to point out what is included or excluded. Applicants have amended claims 4 and 24 to render these rejections moot. Also, the Examiner rejected claims 20, 36, and 43 due to an antecedent basis issue. Applicants have amended claims 20, 36, and 43 to correct the informalities noted by the Examiner. Applicants have also amended claims 20, 21, 37, and 43 to correct minor informalities noted by Applicants.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §112.

IV. Rejections Under §102(b) and §103(a)

Claims 1-14, 21-33, and 37-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Puram (U.S. 6289340), and claims 15-20, 34-36, and 41-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Puram in view of Herz (U.S. 6029195). Applicants respectfully traverse.

Claims 1-20

As amended, claim 1 recites:

1. A method for job requisition, comprising:
forming an inline interview including a set of job characteristics for a position to be filled;
assigning a set of employer rankings for the set of job characteristics;
providing the inline interview to one or more prospective job seekers;

receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled from each of the one or more prospective job seekers; and
generating a score for each of the one or more prospective job seekers, including comparing the set of employer rankings with the set of job seeker rankings. (emphasis added)

Puram (US 6289340)

Puram teaches a method of selecting candidates from a candidate pool by adjusting skill values. According to Puram, an employer having a position to fill provides “needs” data regarding the skills desired, the skill level or experience needed for the skills, and the importance or priority of that skill for the position. (2:44-49; 5:60-6:31). Similarly, candidates seeking positions enter “skills” data regarding the skills they possess and the level of those skills. (2:50-53). The skills data are entered by the candidates into a Technical Skill Evaluation table having a variety of different categories. (3:59-5:10). Importantly, Puram specifies that the skills data are entered “Independently” of the needs data entered by the employer. (2:50)(emphasis added). A computer then searches (or mines) the database to find a sub-pool of candidates that possess the skills listed by the employer as desired for the position. (7:6-8).

Applicants respectfully submit that Puram fails to disclose, teach, or fairly suggest the method recited in claim 1. Specifically, Puram fails to teach or suggest a method that includes in relevant part “forming an inline interview including a set of job characteristics for a position to be filled; [and] *receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.” According to Puram, the candidates seeking positions enter “skills” data into a generic table (or database), and the skills data are entered “independently” of the particular needs of a particular position that the employer hopes to fill. (2:50-53). Puram fails to teach or suggest a method that includes “*receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to*

be filled from each of the one or more prospective job seekers” as recited in claim 1. Accordingly, claim 1 is allowable over Puram.

Herz (US 6029195)

Herz teaches a system for identification of desirable objects, in particular, electronic media such as articles and documents. According to Herz, profiles of the target objects (*e.g.* articles, documents, etc) are stored in a database on an electronic media. (4:42-44). As a user performs searches of the database, a system estimates the user’s interest in various target objects, and generates for the user a customized rank-ordered listing of target objects most likely to be of interest to the user. (5:8-16). When the user enters a search description, the system retrieves the target objects that fit the description and the user’s customized rank-ordered listing of target objects. (7:19-8:47).

Applicants respectfully submit that Herz fails to remedy the above-noted deficiencies of Puram. Specifically, Herz fails to teach or suggest a method that includes in relevant part *“forming an inline interview including a set of job characteristics for a position to be filled; [and] receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.” Herz does not recite candidates, employers, or positions to be filled, and especially does not recite *“forming an inline interview including a set of job characteristics for a position to be filled”* or *“receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.” According to Herz, the target objects are retrieved based not on job seeker rankings, but rather, a system-generated profile ranking of the user’s past activity. Thus, Herz fails to teach or suggest a method that includes *“receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more

prospective job seekers” as recited in claim 1. Accordingly, claim 1 is allowable over Herz, either singly or in combination with Puram.

For the foregoing reasons, claim 1 is allowable over the Cited References (Puram and Herz), either singly or in combination. Claims 2-20 depend from claim 1 and are allowable over the Cited References at least due to their dependencies on claim 1, and also due to additional limitations recited in those claims. For example, claim 4 recites the method of claim 1 wherein the set of job characteristics includes at least one of a job skill associated with the position or a tool applicable to the position, and wherein the set of job seeker rankings includes at least one desire ranking indicating the one or more prospective job seekers’ desire to at least one of perform the job skill associated with the position or work with the tool applicable to the position. These additional limitations are also not disclosed, taught, or fairly suggested by the Cited References.

Claims 21-36

Similarly, claim 21 recites:

21. A computer program product adapted to perform a job requisition, the computer program product comprising:

- a first computer program portion configured to perform a position description creation process, the position description creation process including forming an inline interview having a set of job characteristics for a position to be filled, assigning a set of employer rankings for the set of job characteristics, and providing the inline interview to one or more prospective job seekers;
- a second computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers; and
- a third computer program portion configured to perform a job seeker selection process, the job seeker selection process including generating a score for each of the one or more prospective job seekers by comparing the set of employer rankings with the set of job seeker rankings. (emphasis added).

As described more fully above, the Cited References, either singly or in combination, fail to disclose, teach, or fairly suggest the computer program product recited in claim 21. Specifically, the Cited References fail to teach or suggest a “computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.” According to Puram, the candidates seeking positions enter “skills” data into a generic table (or database), and the skills data are entered “independently” of the particular needs of a particular position that the employer hopes to fill. (2:50-53). According to Herz, the target objects are retrieved based not on job seeker rankings, but rather, a system-generated profile ranking of the user’s past activity. Accordingly, the Cited References fail to teach or suggest the “computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.”

For the foregoing reasons, claim 21 is allowable over the Cited References (Puram and Herz). Claims 22-36 depend from claim 21 and are allowable over the Cited References at least due to their dependencies on claim 21, and also due to additional limitations recited in those claims. For example, claim 24 recites the method of claim 21 wherein the set of job characteristics includes at least one of a job skill associated with the position or a tool applicable to the position, and wherein the set of job seeker rankings includes at least one desire ranking indicating the one or more prospective job seekers’ desire to at least one of perform the job skill associated with the position or work with the tool applicable to the position. These additional limitations are also not disclosed, taught, or fairly suggested by the Cited References.

Claims 37-43

Amended claim 37 recites:

37. A system for conducting a job requisition, comprising:
an employer input component;
a job seeker input component; and
a computer operatively coupled to the employer input component and the job seeker input component, the computer including:
an input/output device coupled to receive a set of employer rankings of a set of job characteristics from the employer input component, and a set of job seeker rankings of the set of job characteristics from the job seeker input component; and
a processor configured to receive the sets of job seeker and employer rankings and to analyze the sets of job seeker and employer rankings, the processor including:
a first computer program portion configured to perform a position description creation process, the position description creation process including forming an inline interview presenting the set of job characteristics for the position to be filled, assigning a set of employer rankings for the set of job characteristics, and providing the inline interview to one or more prospective job seekers;
a second computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers; and
a third computer program portion configured to perform a job seeker selection process, the job seeker selection process including generating a score for each of the one or more prospective job seekers by comparing the set of employer rankings with the set of job seeker rankings. (emphasis added).

Again, as described more fully above, the Cited References, either singly or in combination, fail to disclose, teach, or fairly suggest the system recited in claim 37. Specifically, the Cited References fail to teach or suggest a system having a processor that includes a “computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.” According to Puram, the candidates seeking positions enter “skills” data into a generic table (or database), and the skills data are entered

“independently” of the particular needs of a particular position that the employer hopes to fill. (2:50-53). According to Herz, the target objects are retrieved based not on job seeker rankings, but rather, a system-generated profile ranking of the user’s past activity. Accordingly, the Cited References fail to teach or suggest the “computer program portion configured to perform a job application process, *the job application process including receiving a set of job seeker rankings for the set of job characteristics from inputs provided via the inline interview specifically for the position to be filled* from each of the one or more prospective job seekers.”

For the foregoing reasons, claim 37 is allowable over the Cited References (Puram and Herz). Claims 38-43 depend from claim 37 and are allowable over the Cited References at least due to their dependencies on claim 37, and also due to additional limitations recited in those claims. For example, claim 40 recites the method of claim 37 wherein the set of job characteristics includes at least one of a job skill associated with the position or a tool applicable to the position, and wherein the set of job seeker rankings includes at least one desire ranking indicating the one or more prospective job seekers’ desire to at least one of perform the job skill associated with the position or work with the tool applicable to the position. These additional limitations are also not disclosed, taught, or fairly suggested by the Cited References.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that claims 1-43 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Respectfully Submitted,

Dated: __March 25, 2008__

By: __/Dale C. Barr, Reg. No. 40,498/_____
Dale C. Barr
Lee & Hayes, PLLC
Reg. No. 40498
206-315-7916

Enclosures: Replacement Formal Drawings

60483

CUSTOMER NUMBER